

215 Comanche Drive  
Oceanport, New Jersey 07757

May 25, 1983

Honorable Reginald Stanton  
Superior Court of New Jersey  
228 Hall of Records  
Newark, N.J. 07102

Re: State of New Jersey, Department of Environmental Protection  
vs. Scientific Chemical Processing, Inc., et al  
Docket Number: L-1852-831

Dear Judge Stanton:

Enclosed please find my Affidavit which I am submitting in response to the application made by the State of New Jersey, Department of Environmental Protection. I intend to appear on the return date and explain more fully to the Court my position in this matter.

Very truly yours,

*Leif R. Sigmond* (signature)  
Leif R. Sigmond

cc: Superior Court of New Jersey  
State House Annex  
Trenton, New Jersey 08625  
David W. Reger, DAG  
Edward J. Egan, Esq. ✓

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SUPERIOR COURT OF NEW JERSEY  
CHANCERY DIVISION, ESSEX COUNTY  
Docket No. L-1852-83E

IN RE: STATE OF NEW JERSEY  
DEPARTMENT OF ENVIRONMENTAL  
PROTECTION,

Plaintiff

VS.

Civil Action

AFFIDAVIT OF  
LEIF R. SIGMOND

Scientific Chemical Processing, :  
Inc., et al :

I, Leif R. Sigmond does hereby certify to the following:

1. I was the President and a director of Scientific Chemical Processing, Inc. (hereinafter SCP) from December 11, 1970 to November 17, 1980.

2. As a result of the June 12, 1980 Supreme Court order "that appellants immediately cease all solid waste disposal operations, including the handling of special waste" etc plus the criminal indictment for violation of anti-pollution statutes, I decided that I would no longer be an asset to the corporation, and therefore resigned as an officer and director on November 17, 1980 and only continued as an employee on a consulting basis to the end of the year 1980. ( See Exhibit I )

3. At the time of my resignation the control and management of SCP was taken over by Carl W. Ling who became the new President and Director.  
( See Exhibit II )

4. At the time of my resignation there were no spills, leaky drums or tanks neither at the SCP Newark nor the SCP Carlstadt location. As a matter of fact both of the locations were under daily constant surveillance by DEP personnel. They checked daily for spillage and leakage and for proper segregation and storage. No operation could be undertaken without their approval.

5. I cannot comment on the inventory prepared by Carl W. Ling for DEP since that was done after I had resigned. However, I know that as of my resignation, November 17, 1980, there were no drums containing waste at the Carlstadt plant.

6. Energall Inc. was incorporated in N.J. on 11/8, 1973. This corporation has been inactive since 1980 and dissolution is pending. Energall, Inc. leased four tanks within a diked area at the Newark location. Energall, Inc. has no drums and has never had any leaks or spills.

7. Presto, Inc. was originally incorporated in New Jersey on 12/9/75 with Dominick Presto and Leif R. Sigmond as officers and directors. Presto, Inc. was inactive until January 1, 1978 when both I, and Dominick Presto resigned as officers and directors and Carl W. Ling became the sole director and officer of the company. (Exhibit III & IV) The statement of Carl W. Ling that "Mr. Sigmond would have responsibility with respect to 'high gravity' decisions for all three operations" is taken out of context. He actually said that as to Presto such a decision has never been required. As a matter of fact there was never any intention that he would not operate completely independent and he actually made all of the decisions pertaining to Presto, Inc. What makes the State Hearing case so confusing is that because of this indictment against Sigmond, Barnes, and Case, none of

us (on the advice of council) could testify. Therefore Carl W. Ling's statement could not be clarified nor refuted. The fact is that as of Jan. 1978 (when Presto, Inc. was activated) Carl Ling was the President and Director. He made all decisions and at no time was I personally involved in the Presto, Inc. operation. (see affidavit of Carl Ling, Exhibit V) Unfortunately what made Carl Ling's testimony even more confusing is that since we could not testify, he had to testify for the SCP operation based on his previous experience with SCP. It is my understanding that the materials stored inside the buildings at Newark belong to Presto. Consequently I have personally no knowledge as to their content.

8. After the SCP, Energall, and Presto operations were closed in June 1980 numerous efforts were apparently made to come to an agreement with DEP as to cleanup procedure.

9. During my association with SCP no PCB's were accepted nor detected.

10. Sigmond and Presto is operated from Dominick Presto's office, 13 Glen Road, Rutherford, NJ, 07070. He has been negotiating with various firms including Olsen and Hassold for cleanup and purchase of the property. I do not know the exact status but understand that the N.J. DEP is aware of the situation. It is my understanding that Dominick Presto is also working with Carl W. Ling to establish the origins of the materials to have them returned to the generators where possible.

11. The spill mentioned in 1979 at Carlstadt was a one time small spill reported by SCP to the DEP. It was cleaned up immediately by SCP and the analysis prepared by the DEP never made any sense since all chlorinated solvents were handled at Newark.

12. SCP, Energall, and Presto were run as separate corporate entities with separate books, financing and ownership distribution.

13. Since I have not been involved with the Presto operation at all and not with the SCP operation since 1980 and I have not visited either the Carlstadt nor the Newark facilities since then, I am not up to date to the present situation. I was out of town and did not see the "Order to Show Cause" until May 23rd/when I returned. It seems that the goals of the State of New Jersey can better be served if Daniel Presto could arrange an orderly cleanup by one of the potential purchasers.

14. Unfortunately I am not in a position to contribute much personally both as the result of the court order and for financial reasons. I shall have to be applying for legal aid since my liabilities, particularly legal fees already exceed any assets. Furthermore the insurance companies are being contacted to determine if any coverage is applicable.

I certify that the foregoing statements made by me are true based upon my best information and belief. I am aware that if any of the foregoing statements are intentionally false that I am subject to punishment.

DATED: 5-25-83

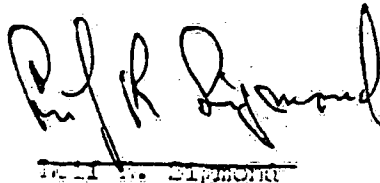
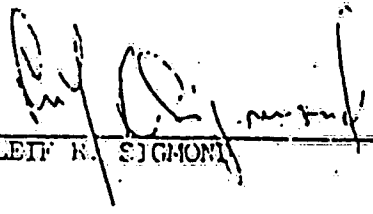
  
Paul R. Sigmond

EXHIBIT I

TO THE BOARD OF DIRECTORS of  
SCIENTIFIC CHEMICAL PROCESSING, INC.

I hereby tender my resignation as an Officer  
and Director of SCIENTIFIC CHEMICAL PROCESSING, INC.  
effective immediately.

DATED: November 17, 1930

  
LEIF R. SIGMOND

UNANIMOUS CONSENT OF DIRECTORS  
IN LIEU OF MEETING

(Pursuant to H.J.S. 19A:6-7 (2) )

The undersigned, each being a director of  
SCIENTIFIC CHEMICAL PROCESSING, INC.  
consent to and authorize the adoption of the annexed resolutions  
by the Board. BE IT RESOLVED:

That the following individual shall occupy the office design-  
ated:

President

CARL W. LING

Secretary

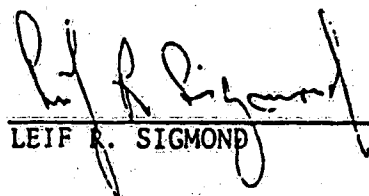
CARL W. LING

C. W. Ling  
CARL W. LING,

Director

Dated: November 17, 1930

I hereby tender my resignation as an Officer and  
Director of PRESTO, INC., effective January 1, 1978.

  
LEIF R. SIGMOND

Dated: December 15, 1977



UNANIMOUS CONSENT OF DIRECTORS  
IN LIEU OF MEETING

The undersigned, each being a director of PRESTO, INC.,  
consent to and authorize the adoption of the following resolution:

BE IT RESOLVED, that PRESTO, INC. commenced business on  
January 1, 1978, under the full direction and control of Carl Ling  
and in accordance with the proposal submitted by Carl Ling.

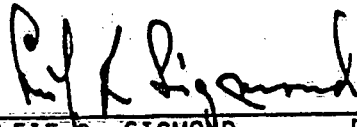
BE IT FURTHER RESOLVED that the following be the officers  
of the corporation:


President

CARL LING

Secretary

CARL LING

  
LEIF P. SIGMOND, Director

  
DOMINICK PRESTO, Director

Dated: December 19, 1977

GIORDANO, HALLERAN & CRAHAY  
270 State Highway #35  
Middletown, New Jersey 07748  
(201) 741-3900  
Attorneys for Appellant

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SUPERIOR COURT OF NEW JERSEY  
APPELLATE DIVISION  
Docket No. A-3658-78

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IN RE: ORDER DENYING TEMPORARY:  
OPERATING AUTHORIZATION FOR  
FACILITIES OWNED AND  
OPERATED BY ENERGALL, INC.  
SCIENTIFIC CHEMICAL PROCESSING:  
INC. and PRESTO, INC.

Civil Action

AFFIDAVIT OF  
CARL W. LING

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I, Carl W. Ling, of full age being duly sworn according  
to law upon my oath depose and say:

1. I am the President of Presto Incorporated with  
offices and operations on a portion of the premises at 411 Wilson  
Avenue, Newark, New Jersey.

2. I have a Bachelors of Science degree in chemistry  
and have been engaged in the chemical industry for the last  
22 years and have been the President and Operating Manager of  
Presto, Inc. for the last two and one-half years.

3. Presto Inc. is primarily engaged in the business of recycling chlorinated solvents. The operation of Presto, Inc. is involved with the reclamation and recycling of waste chlorinated solvents taken from various industries distilling them, returning purified solvents to industry and using the end product as fuel. Most of the materials used by Presto in its operations are purchased from various industries. All of the drums used by Presto in its operation are situated inside the building at 411 Wilson Avenue and are stored on pallets and are on concrete. Each drum coming on to Presto's property and operation are tested and identified as to the type of material in them. I am making this affidavit in response to the DEP's Motion to the Supreme Court for the immediate closure of Presto as well as other operations at Wilson Avenue and Carlstadt. I have examined the affidavits filed in support of this motion and they make no reference to Presto's operation. I am familiar with the operations of the other appellants i.e. SCP, both at Newark and Carlstadt, and Energall at Newark. From my experience in the chemical industry, I am aware of absolutely no hazardous conditions at either of these sites warranting the closure of the operations.

4. The other appellants have nothing to do with the management of Presto, Inc.

5. As in any other chemical operation, be it the manufacture of chemicals or their reclamation, there are always smells and odors attendant to the operations. I presently have in my employ at Newark five employees. Neither I nor any of them, as far as I know, have ever complained of any headaches, sickness or disease resulting from working in and about these premises since I have been on the site.

6. I have not in my experience at the site and with my familiarity of the other operations, I know of not a single citation for violations by any hazardous waste, air pollution or water pollution agency.

7. I have reviewed Mr. Smajda's affidavits, executed on April 11 and April 15, 1980, and note that he is critical of the operations at both Carlstadt and Newark. During my conversation with Mr. Smajda on April 15, 1980, he stated to me that Carlstadt is looking real good, he made no reference to any leaks, spillage or damage to Peach Island Creek during this conversation.

8. I find it difficult to understand what Mr. Smajda means in his affidavit when he says there are continuing evidences of hazardous conditions at these sites since in my experience I have seen none nor am I aware of any citation or violations.

9. I know from my own experience and observation that the drum inventory at Carlstadt has been reduced from approximately 30,000 drums to none at the present time, and in Newark the reduction has been from approximately 15,000 drums to approximately 3,000 drums at the present time.

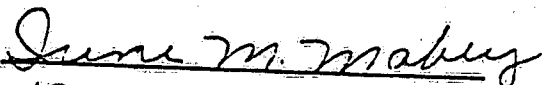
10. I know from my own experience in the chemical industry that spills occur on a regular basis but they constitute no serious hazard to the environment if they are cleaned up or occur on contained areas.

11. It is not true as stated in the DEP's brief filed with this court at page 10 of respondent's brief that three individuals, Lief Sigmond, Herb Case and Mack Barnes control the management and operations at all facilities and are the applicants seeking renewed TOAs. This is simply not the fact. I personally and solely control the management and operation of Presto, and neither I nor that corporation have been indicted.

12. On March 20, 1980, the police in pursuant to an investigation generated by SCP management, came to the rear of the 411 Wilson Avenue premises and in particular that of Emerge Enterprises, Inc. (A tenant unrelated to the appellants). Following this investigation on March 22, I examined various rainwater puddles on the property for there acidity. I have marked these on the sketch of the property attached to the affidavit filed with this court by Mr. Herbert Case. All of the puddles which I tested and which are identified on the sketch with the number 7 included for their pH content, (pH tests are for an indication of acidity or alkalinity). In my test of these rainwater puddles, those designated number 7 are neutral for either acidity or alkalinity. The one puddle inscribed with the number 8 on the property of B & S Packaging was slightly alkaline. Thus, there were no toxic acids found in any of the rainwater which I tested on March 22, 1980. All rainwater on all of the premises were rainwater and did not involve the spills of any chemicals.

  
CARL W. LING

Sworn to and subscribed  
before me this 4 day  
of MAY, 1980.

  
IRENE M. MABEY  
NOTARY PUBLIC STATE OF N.J.  
MY COMMISSION EXPIRES  
MAY 11, 1985